



MARCH 26, 2013

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STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 26TH DAY OF MARCH A.D., 2013, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ALBERT H. COBB JR	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
MARK JONES	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RAY O. WHISENANT JR	COMMISSIONER, PCT. 4
LIZ Q. GONZALEZ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Gary Smith, Retired Air Force Chaplin gave the invocation and Judge Cobb led the court in the Pledge of Allegiance to the United States and Texas flags. Judge Cobb called the meeting to order.

PRESENTATION BY REPRESENTATIVES OF CENTRAL TEXAS MEDICAL CENTER AND LIVE OAK HEALTH PARTNERS TO PROVIDE AN UPDATE ON THE OPERATIONS OF THE COMMUNITY HEALTH CLINIC

Sam Huenergardt, President/CEO at CTMC spoke of working closely with Hays County in transitioning with Live Oak Health Partners Community Clinic and introduced Regina Henderson, MBA, Director of Clinic Services at Live Oak Community Partners Community Clinic and Lenore DePagter, D.O., Physician Practice Administrator at Live Oak Partners Community Clinic. They gave a Powerpoint presentation of the services they are providing and the number of patients being treated in the Community.

PRESENTATION OF THE 2013 TEXAS COMPTROLLER'S GOLD LEADERSHIP CIRCLE TRANSPARENCY AWARD TO ALL HAYS COUNTY OFFICIALS IN HONOR OF THEIR EFFORTS TO ACHIEVE THE HIGHEST FINANCIAL TRANSPARENCY STANDARDS

Commissioner Conley and the Auditor's Office submitted an application to the Texas Comptroller's Office seeking the recognition of Texas' Highest Transparency Award - The Texas Comptroller Gold Leadership Circle Financial Transparency Award. This award recognizes Local Governments for striving to meet high standards of financial transparency online through the following methods: Opening their books to the public; providing clear and concise pictures of spending and sharing information in a user-friendly format that lets taxpayers easily drill down for more information. Hays County has organized financial information on the website in a manner that is easy to locate and review, so citizen's can keep tabs on every dollar spent.

28874 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve payments of County Invoices in the amount of \$ 857,885.68 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28875 APPROVE COMMISSIONERS COURT MINUTES OF MARCH 19, 2013

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of March 19, 2013 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28876 AUTHORIZE PURCHASE OF REPLACEMENT COMPUTER FROM TRANSPORTATION GENERAL FUND

According to I.T. personnel, the computer in the mechanic's shop is so old that the hardware and software are not compatible with Cartegraph. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize purchase of replacement computer from Transportation General Fund. All voting "Aye". MOTION PASSED



- 28877 APPROVE THE APPOINTMENT OF TRAVIS BROWN, DEPUTY CONSTABLE, PRECINCT 3 AND AUTHORIZE HIS LAST DAY OF SERVICE WITH THE CONSTABLE PRECINCT 1 OFFICE TO BE MARCH 28, 2013, AND HIS FIRST DAY OF SERVICE WITH THE CONSTABLE PRECINCT 3 OFFICE TO BE APRIL 1, 2013 WITHOUT A BREAK IN CONTINUOUS SERVICE**

Deputy Constable Travis Brown will fill the recently created position for the enforcement of traffic regulations in the City of Woodcreek. By this action of the Court Deputy Brown's last day with the Precinct 1 Constable's office will be March 28, his first day with the Precinct 3 Constable's office will be April 1, and there will not be a break in continuous service. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the appointment of Travis Brown, Deputy Constable, Precinct 3 and authorize his last day of service with the Constable Precinct 1 office to be March 28, 2013, and his first day of service with the Constable Precinct 3 office to be April 1, 2013 without a break in continuous service. All voting "Aye". MOTION PASSED**

- 28878 AUTHORIZE PRIME STRATEGIES TO INITIATE PHASE II OF THE TRZ STUDY REGARDING FM 110 PURSUANT TO THE PROFESSIONAL SERVICES AGREEMENT WITH HAYS COUNTY**

Legal Counsel believes an appropriate follow-up to the Courts conversation on March 19, 2013 is a consent item to record the Courts desire to move forward with Phase II. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize Prime Strategies to initiate Phase II of the TRZ Study regarding FM 110 pursuant to the Professional Services Agreement with Hays County. All voting "Aye". MOTION PASSED**

- 28879 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT TO THE CONTRACT WITH THE DEPARTMENT OF STATE HEALTH SERVICES FOR THE PUBLIC HEALTH EMERGENCY PREPAREDNESS (PHEP) GRANT, ALLOWING 5% OF THE GRANT AMOUNT TO BE UTILIZED FOR STAFF TIME IN RESPONSE TO AN EMERGENCY EVENT**

On July 31, 2012 the Commissioners Court approved the contract with the Department of State Health Services for the Public Health Emergency Preparedness grant for \$132,632.00. The Amendment allows for the reimbursement of staff time spent in an emergency event, up to 5% of the grant amount. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to execute Amendment to the Contract with the Department of State Health Services for the Public Health Emergency Preparedness (PHEP) grant, allowing 5% of the grant amount to be utilized for staff time in response to an emergency event. All voting "Aye". MOTION PASSED**

- 28880 ACCEPT A DONATION OF \$150.00 TO HAYS COUNTY SHERIFF'S OFFICE COMMUNICATIONS DIVISION AND AMEND THE BUDGET ACCORDINGLY**

The Sheriff's Office Communication's Division received a donation from Peabody General Contractors located in Dripping Springs and will utilize the donation for National Telecommunicator Week. NTW will take place in April, 2013. Increase Revenue 001-618-00.4610 Contributions \$150.00; Increase Expense 001-618-00.5391; Miscellaneous \$150.00. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to accept a donation of \$150.00 to Hays County Sheriff's Office Communications Division and amend the budget accordingly. All voting "Aye". MOTION PASSED**

- 28881 CALL FOR A PUBLIC HEARING ON APRIL 9, 2013 TO ESTABLISH TRAFFIC REGULATIONS AT THE INTERSECTION OF GOFORTH ROAD AND PRAIRIE WIND DRIVE**

This is to establish: a 3-way stop at the intersection of Goforth Road and Prairie Wind Drive. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to call for a public hearing on April 9, 2013 to establish traffic regulations at the intersection of Goforth Road and Prairie Wind Drive. All voting "Aye". MOTION PASSED**



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28882 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS AND ACCEPT THE MAINTENANCE BOND FOR TWO YEARS FOR THE MEADOWS AT BUDA SUBDIVISION, SECTION 3B

Jerry Borcharding Transportation Director gave staff recommendation for acceptance of construction of roads and drainage improvements within the County ROW. The Road Department has inspected and approved the improvements. The Maintenance Bond is in the amount of \$480,303.40. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to consider the acceptance of road construction and drainage improvements and acceptance of the Maintenance Bond for two years for the Meadows at Buda subdivision, Section 3B. All voting "Aye". MOTION PASSED

28883 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH LJA ENGINEERING, INC. FOR PROFESSIONAL DESIGN, ENGINEERING AND CONSTRUCTION PHASE SERVICES ON THE FM 110 (IH 35 AT YARRINGTON ROAD TO SH 80) PROJECT IN HAYS COUNTY

Special Counsel Mark Kennedy spoke. Amount required is \$2,133,062.00. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to execute a contract with LJA Engineering, Inc. for Professional Design, Engineering and Construction Phase services on the FM 110 (IH 35 at Yarrington Road to SH 80) project in Hays County. All voting "Aye". MOTION PASSED

28884 AUTHORIZE THE PRECINCT 4 COMMISSIONER TO EXECUTE THE THIRD PARTY AGREEMENT WITH TXDOT FOR A CHANGE ORDER TO THE RM 1826 AT CRYSTAL HILL RD. PRIORITY ROAD BOND PROGRAM PROJECT

During construction of the Crystal Hill portion of the RM 1826 / Crystal Hill improvements as part of the 2008 Priority Road Program, the contractor uncovered inadequate substrate material below the existing roadbed that was not evident from the soil borings taken along Crystal Hill prior to the project design. The substrate is water bearing and believed to have insufficient bearing capacity which will likely result in unacceptable long term settlement of the roadway on either side of the arch structure. The Engineer of Record and GEC recommend this material be removed and replaced to a depth of approximately 4' to a substrate with good bearing capacity. The removed material will be replaced with the same free draining rock backfill designated behind the precast headwalls. Amount required \$41,611.60; 027-804-96-884.5611_400 funds are available within the Priority Road Bond Program Budget. A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the Precinct 4 Commissioner to execute the Third Party Agreement with TxDOT for a Change Order to the RM 1826 at Crystal Hill Rd. Priority Road Bond Program project. All voting "Aye". MOTION PASSED

28885 REPLAT OF LOT 7 AND LOT 8, BLOCK A, RUBY RANCH PHASE SEVEN [13-2-8--1 LOT] APPROVE FINAL PLAT

Roxie McInnis Development Services Manager gave staff recommendation. The proposed replat of Lot 7 and Lot 8, Block A, Ruby Ranch Phase Seven will combine the two lots into one 3.58 acre lot. Lot 7A is served by an existing on-site sewage facility and public water supply connection. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve final plat the Replat of Lot 7 and 8, Blk A, Ruby Ranch Phase 7. All voting "Aye". MOTION PASSED

28886 ACCEPT THE ANNUAL REPORT FROM THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #3

Leighton Stallones Commissioner of ESD #3 and President gave a brief overview of the Annual Report. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to accept the annual report from the Hays County Emergency Services District #3. All voting "Aye". MOTION PASSED

28887 APPROVE THE APPOINTMENT OF MEMBERS TO THE HAYS COUNTY CIVIC CENTER ADVISORY BOARD

This group will advise the Commissioners' Court new Civic Center along with a technical committee comprised of County staff. Show Board – At Large – Mike Huckaby, Buda/Kyle – Rex Lyons, San Marcos – Alfredo Nino, Wimberley – Judy Walker, Dripping Springs – Terry Polk. Technical Committee – Chief of Staff – Lon Shell, Director of Development and Community Services – Clint Garza, Civil District Attorney – Mark Kennedy, Agrilife Extension – Richard Parrish. 4-H and Rodeo – Jeff Latham and Charlie Sasser. Commissioners Court Appointees – Pct. 1 – Carla Caskey Sisk, Pct. 2 – Donald Wallace, Judge Cobb – Dick Scott. A motion was made by Judge Cobb, seconded by Commissioner Whisenant to approve the appointment of Dick Scott as Chair to the Hays County Civic Center Advisory Board. All voting "Aye". MOTION PASSED



**28888 ADOPT A RESOLUTION IN SUPPORT OF LEGISLATION TO MORE FAIRLY
BALANCE THE INTERESTS OF RATEPAYERS AND PRIVATE UTILITIES IN WATER
AND SEWER RATEMAKING PROCEEDINGS**

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to adopt a resolution in support of legislation to more fairly balance the interests of ratepayers and private utilities in water and sewer ratemaking proceedings. All voting "Aye". MOTION PASSED

**28889 ACCEPT THE FY 2012 FINANCIAL STATEMENT AUDIT FOR HAYS COUNTY AS
PREPARED BY THE ACCOUNTING FIRM OF ALONZO, BACARISSE, IRVINE, &
PALMER CPAS**

Pat Wagner with the CPA firm of Alonzo, Bacarisse, Irvine, & Palmer gave a synopsis of the Audit performed. The Court thanked the Auditor and Treasurer for all their hard work and to help make the independent audit a success. A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept the FY 2012 financial statement audit for Hays County as prepared by the accounting firm of Alonzo, Bacarisse, Irvine, & Palmer CPAs. All voting "Aye". MOTION PASSED

28890 CANCEL COMMISSIONERS COURT ON MAY 7, 2013

The cancellation of Commissioners Court on May 7, 2013 is to allow for technology upgrades in the Courtroom. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to cancel Commissioners Court on May 7, 2013. All voting "Aye". MOTION PASSED

**28891 APPROVE PAYMENT TO TXDOT FOR COST OVERRUNS ASSOCIATED WITH THE
2010 CEMENT PLANT ROAD PROJECT**

Jerry Borchering Transportation Department gave staff recommendation. The County has received a request for payment from TxDot for cost overruns on a 2010 ARRA funded project. These funds were administered and the project let through TxDot. The costs are for mowing, trash collection and grass seeding in the right of way area. Per the AFA, the County is responsible for any cost overruns. Funds are available in the '01 Road Bond interest to cover this request. Amount required \$3,756.24. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve payment to TxDot for cost overruns associated with the 2010 Cement Plant Road project. All voting "Aye". MOTION PASSED

**EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS
GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE
PURCHASE, EXCHANGE, OR VALUE OF REAL PROPERTY RELATED TO THE MARKETING AND
POTENTIAL SALE OR LEASE OF COUNTY OWNED PROPERTIES**

Court convened in Executive Session at 10:45 a.m. and reconvened in open court at 11:24 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Chief of Staff Lon Shell. No action taken.

**28892 EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS
GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING
COLLECTIVE BARGAINING**

Court convened in Executive Session at 10:30 a.m. and reconvened in open court at 10:44 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Chief of Staff Lon Shell. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to appoint the following individuals as the negotiating team for Hays County and the Hays County Sheriff in the upcoming Collective Bargaining negotiation with HCLEA and CLEAT: Commissioner Precinct 3 Will Conley, Chief of Staff Lon Shell, Special Counsel Mark Kennedy and Captain Mike Davenport with the Hays County Sheriff's Office. Would also move to authorize this negotiating team to appoint committees to assist with the negotiation. All voting "Aye". MOTION PASSED

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

On advice of the Hays County Fire Marshall the burn ban will remain in effect.



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County Clerk's Note Agenda Item #24 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PRECINCT 2 FACILITY PROJECT; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT – was pulled*

County Clerk's Note Agenda Item #25 RE: *DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND ALLEN CROZIER, HDR – was pulled*

County Clerk's Note Agenda Item #26 RE: *DISCUSSION OF ISSUES RELATED TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY – was pulled*

A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adjourn court.

I, LIZ Q. GONZALEZ, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on March 26, 2013.



LIZ Q GONZALEZ, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS

